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Criminal accountability of United Nations officials and experts on mission

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Report of the Secretary-General

Summary

The present report has been prepared pursuant to paragraphs 16 and 17 of General Assembly resolution 65/20. Sections II and III contain information received from Governments on the extent to which their national laws establish jurisdiction, in particular over crimes of a serious nature committed by their nationals while serving as United Nations officials or experts on mission, as well as information on cooperation among States and with the United Nations in the exchange of information and the facilitation of investigations and prosecution of such individuals. Sections IV and V contain information concerning activities within the Secretariat in relation to the resolution.

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I. Introduction

1. In its resolution 65/20, the General Assembly requested the Secretary-General to report on the implementation of the resolution, in particular with respect to paragraphs 3, 5 and 9, as well as any practical problems in its implementation, on the basis of information received from Governments and the Secretariat.

2. The present report provides information on efforts undertaken in that regard. Sections II and III concern activities and information received relating to the criminal accountability of United Nations officials and experts on mission, as required by paragraphs 3, 4, 5 and 9. By a note verbale dated 1 March 2011, the Secretary-General drew the attention of all States to resolution 65/20 and requested them to submit relevant information.

3. Sections IV and V of the report relate to activities undertaken within the Secretariat in the implementation of paragraphs 9 to 14 of the resolution, focusing in particular on information regarding the bringing of credible allegations that reveal that a crime may have been committed by United Nations officials to the attention of States against whose nationals such allegations are made, as well as assistance and training.

4. The present report should be read together with the 2008, 2009 and 2010 reports of the Secretary-General on the same subject (A/63/260 and Add.1, A/64/183 and Add.1 and A/65/185).

II. Establishment of jurisdiction over crimes of a serious nature

Bulgaria

5. Further to the information available in paragraphs 12 and 13 of document A/65/185, Bulgaria stated that its Penal Code applied to all Bulgarian citizens, including for crimes committed abroad (art. 4 (1)), regardless of whether the perpetrated acts represented a crime according to the legislation of the State within whose territory the offence had been committed. Crimes committed abroad by Bulgarian citizens in their capacity as national officials ("civil servants' crimes") or foreign officials, including United Nations officials and experts on mission, also fall within the scope of the criminal jurisdiction of the Bulgarian State (according to arts. 301 (5) and 304 (3) of the Penal Code, foreign officials are held responsible for passive and active bribery).

Canada

6. Further to information found in paragraphs 11 and 12 of document A/63/260, Canada noted that its National Defence Act provided jurisdiction based on nationality to prosecute the actions of Canadians serving abroad. Moreover, under its Criminal Code, its public servants employed abroad were subject to prosecution in Canada if the conduct was an offence both in Canada and in the place where it was committed. Its courts also had territorial jurisdiction over any offence established in Canadian law if there was a real and substantial connection to Canada. Canada also had jurisdiction over a number of offences based on other exceptions to customary international law or pursuant to international legal instruments to which Canada was a party. These would permit the prosecution in

Canada of a range of criminal offences that might be committed in the context of service with the United Nations whether the offender was a Canadian national or not. Canada would continue to consider the desirability of amending its legislation to establish offences appropriate to United Nations service and jurisdiction to prosecute conduct outside of Canada that would be an offence in Canada if it was committed by a national or permanent resident of Canada while serving with the United Nations.

Guyana

7. In Guyana, criminal law is generally limited to conduct or acts occurring within its territorial jurisdiction, unless the contrary is expressly provided for (for previous comments of Guyana, see A/64/183, para. 14). Such is the case with section 35 of the Sexual Offences Act (Act No. 7 of 2010), which is applicable irrespective of how the conduct or act is described as an offence in the law of the country or territory outside of Guyana. The section provides that any conduct or act done by a resident or citizen of Guyana in a country or territory outside Guyana shall be deemed to be a sexual offence under the law of Guyana if the conduct or act: (a) constituted an offence under the law in force in that country or territory; and (b) would constitute a sexual offence under this Act had it been committed in Guyana.

Iraq

8. Further to the information provided in document A/63/260/Add.1 and document A/65/185, paragraph 26, Iraq stated that all diplomatic personnel and the staff of missions, including United Nations officials, enjoyed immunity in Iraq. Such immunity could serve to prevent the competent authorities from prosecuting offenders and to deny justice to injured parties. There were several possibilities: international organizations might choose to establish their own systems of justice in order to prosecute their officials who commit criminal acts; the State of which the accused official is a national might prosecute him or her at the request of the international organization; or the organization might waive the immunity of that official, thus enabling the host State to prosecute him or her. In order for States to be able to act on any of such possibilities, they should be explicitly stated in an international instrument concluded under the auspices of the United Nations or in the instrument establishing the relevant international organization.

9. The special status of United Nations officials had led some Member States to call upon the Organization to establish clear standards and conditions for the waiving of the immunity of its officials, thereby removing such immunity as an obstacle to the exercise by the host State of its jurisdiction and the application of its laws. Iraq supported a zero-tolerance policy in respect of criminal acts committed by United Nations officials or experts on mission, including sexual exploitation and abuse, and financial misconduct. In addition to the harm caused, such acts damage the reputation of the United Nations and hinder the effectiveness of the Organization. States, both individually and in the General Assembly, should therefore take the measures required to ensure that the special status enjoyed by United Nations officials does not allow them to escape prosecution.

10. This could be accomplished either by establishing mechanisms that would allow States to exercise jurisdiction over their nationals who commit serious crimes

while serving in United Nations operations outside their territories or by allowing the judicial authorities of the State in the territory of which the criminal act was committed to exercise jurisdiction. The Iraqi authorities favoured the latter approach.

Kuwait

11. Kuwait reiterated the information concerning its Penal Code found in paragraph 15 of document A/64/183.

Panama

12. Further to paragraph 30 of document A/65/185, Panama noted the need to clarify several important concepts and terms like "criminal accountability", "United Nations officials" and "experts on mission" and stated that its law criminalized sex trafficking, sex tourism and pornography with minors; misconduct by public servants; crimes against the juridical personality of the State; and crimes against humanity.

Paraguay

13. Paraguay reiterated the information available in paragraph 31 of A/65/185 and stated further that under its Penal Code, Paraguayan criminal law applied to acts committed in a foreign country, including punishable acts that the Republic, in accordance with an international treaty in force, was obliged to prosecute, even if they had been committed in a foreign country. Paraguayan criminal law applied only when the person who had committed such an act entered the national territory.

14. Paraguay stated further that in view of international law relating to immunities and privileges, the courts of the receiving State would not have jurisdiction in respect of acts committed by diplomats in the exercise of their functions; however, they would have jurisdiction in respect of ordinary punishable acts performed by diplomats outside their functions. When an act was committed, the receiving State was required to request the sending State to waive the immunities and privileges enjoyed by such persons in order to investigate the matter.

Portugal

15. Portugal reiterated its position as reflected in paragraphs 19 to 22 of document A/64/183, together with paragraph 34 of document A/65/185. It noted, in particular, consistent with its obligations under the Convention on the Privileges and Immunities of the United Nations and article 322 of its Criminal Code, that should a United Nations official or an expert on mission commit a crime falling under the jurisdictional competence of the Portuguese criminal law, the competent judge could request the Secretary-General of the United Nations, through the Ministry of Foreign Affairs, to waive the immunity of such an official or expert on mission.

Qatar

16. Qatar stated that it strongly supported General Assembly resolution 65/20, stressing that the implementation of its provisions was an essential step towards achieving justice and guarding against impunity. It reiterated the information found in paragraph 35 of document A/65/185, confirming in particular the participation of

Qatar in the United Nations Interim Force in Lebanon and that no violations nor crimes by its nationals had been reported.

Slovenia

17. In Slovenia, under article 11 of the Criminal Code, the criminal legislation is applicable to: (a) criminal offences that must be prosecuted in accordance with an applicable binding international treaty, irrespective of the location in which the offence is committed; (b) criminal offences committed against the sovereignty of Slovenia and its democratic constitutional order and/or the crime of terrorism (committed against Slovenia and/or any foreign State or international organization). The general principles in its article, together with articles 12 (Application of the Criminal Code to Slovenian citizens who commit a criminal offence abroad), 13 (Application of the Criminal Code to foreign citizens who commit a criminal offence abroad) and 14 (Special conditions for prosecution), apply to Slovenian nationals who commit a criminal offence in their capacity as officials of the United Nations or as experts on mission.

Sweden

18. Sweden reiterated the information contained in paragraph 24 of document A/64/183.

Switzerland

19. Switzerland reiterated the information contained in paragraph 33 of document A/63/260, stressing that in order for Switzerland to prosecute its nationals serving as United Nations officials or experts on mission, the United Nations would first have to lift the immunity they enjoy under international treaties.

20. It was also stated that as part of the measures taken to implement the Rome Statute of the International Criminal Court in Switzerland, legislative amendments to the Swiss Criminal Code and the Military Criminal Code were adopted by Parliament and entered into force on 1 January 2011. Principally, the amendments incorporate crimes against humanity into Swiss law (Criminal Code, art. 264 (a)); provide a detailed definition of war crimes and remove the condition requiring the existence of a close link to Switzerland, so that anyone suspected of war crimes who is in Swiss territory and cannot be extradited to another jurisdiction may be prosecuted in Switzerland (Criminal Code, art. 264 (m)); and adapt the definition of genocide (Criminal Code, art. 264), adding the notions of social and political groups to the notions of national, racial, religious and ethnic groups. In addition, members of the Swiss executive and judicial branches no longer enjoy functional immunity for genocide, crimes against humanity and war crimes (Criminal Code, art. 264 (n), in connection with art. 7, para. 2 (b) of the Criminal Procedure Code).

21. The amendments also redefine the distribution of responsibilities between civilian and military authorities. In peacetime, the Office of the Public Prosecutor of the Confederation conducts prosecutions for genocide, crimes against humanity and war crimes, except in cases where the perpetrator or victim of the crime is a member of the Swiss military. In wartime, all cases of such crimes come under military jurisdiction.

Turkmenistan

22. In Turkmenistan, in accordance with articles 522 (7), 523 (1) and 523 (3) of the 2009 Criminal Procedure Code, heads, members and staff of foreign missions to international organizations who are in its territory enjoy the right to personal immunity on the basis of international treaties and universally acknowledged international custom. Such persons may not be detained or remanded in custody, except when necessary for the execution of a sentence imposed upon them which has entered into legal force. Cases of detention or custody are reported without delay by a preliminary investigation body, prosecutor or court to the Ministry of Foreign Affairs of Turkmenistan by telephone, telegraph or other rapid communication method.

23. In other cases, the legislation does not provide guarantees against or immunity from criminal prosecution for officials and experts on United Nations missions unless an international treaty to which Turkmenistan is a party stipulates otherwise. In that connection, if the persons in question commit a crime covered by the Criminal Code, the provisions of the Criminal Procedure Code may be applied to them, whether they are Turkmen nationals, foreign nationals or stateless persons.

24. In accordance with article 8 of the 2008 Constitution of Turkmenistan, foreign nationals and stateless persons enjoy the same rights and freedoms and have the same obligations, including in the context of criminal prosecution, as Turkmen nationals, in accordance with the legislation of Turkmenistan and the international treaties to which it is a party.

25. Foreign nationals and stateless persons who are not permanently residing in Turkmenistan are liable to prosecution under the criminal law of Turkmenistan for a crime committed outside Turkmenistan if the crime was directed against Turkmenistan or its nationals. They are also liable in the cases provided for under the international treaties to which Turkmenistan is a party if they have neither been sentenced in a foreign State nor prosecuted in the territory of Turkmenistan.

26. Foreign nationals and stateless persons who have committed a crime outside Turkmenistan and who are in its territory may be extradited to a foreign State for criminal prosecution or to serve a sentence, in accordance with the international treaties and agreements to which Turkmenistan is a party.

27. The law enforcement agencies of Turkmenistan have no evidence of crimes having been committed by United Nations officials and experts on mission during the period from 2006 to 2011.

III. Cooperation between States and with the United Nations in the exchange of information and the facilitation of investigations and prosecutions

Bulgaria

28. In Bulgaria, international cooperation in the field of criminal prosecution was carried out in accordance with the national legislation and the international treaties to which Bulgaria is a party, the latter having precedence over the norms of the national law, which contradict them. Bulgaria is a party to numerous conventions of the United Nations, the Council of Europe, the Organization for Economic

Cooperation and Development and the European Union in the field of legal assistance in criminal matters.

29. Moreover, legal assistance is carried out on the basis of bilateral treaties for mutual legal assistance and extradition with more than 30 United Nations Member States.

30. Chapter 36 of the Penal Procedure Code on international cooperation in criminal matters contains detailed regulation of the transfer of convicted persons, the recognition and enforcement of sentences issued by a foreign court, international legal assistance in criminal matters, including during the investigation phase, the collection of evidence, presentation of information and other forms of legal assistance, and the transfer of criminal proceedings. International legal assistance in criminal cases is provided in accordance with an international treaty or the principle of reciprocity. Assistance can also be provided to an international court whose jurisdiction is recognized by Bulgaria.

31. The conditions and the rules on extradition are defined in the law on extradition and the European arrest warrant. The special branches within the Ministry of Justice and the Supreme Prosecutor's Office of Cassation are entrusted with guaranteeing timely legal assistance and extradition under the conditions of international treaties or on the basis of reciprocity.

32. Chapter 17 of the Penal Procedure Code concerning investigation allows for information received from the United Nations to serve as a basis for the commencement of pretrial proceedings against Bulgarian citizens serving as officials or experts on mission for crimes they commit abroad.

33. Witness protection is regulated in article 123 of the Penal Procedure Code, as well as the law on the protection of persons in criminal proceedings, which establishes the conditions for providing special protection to persons endangered as a result of pending criminal proceedings and persons directly connected to them, where the measures provided in the Penal Procedure Code are insufficient to guarantee their protection. A special programme has been set up in accordance with the law, providing for the following measures: personal physical protection; protection of property; temporary relocation; change of domicile, employment or place of study; and change of identity. A protection council of the Minister of Justice oversees the implementation of the programme, while the measures for protection are applied by the Bureau of Protection, which is a specialized department within the Chief Directorate "Protection" of the Ministry of Justice. The Bureau may request the relocation of a person to another State or grant assistance for the temporary residence in Bulgaria of a foreign citizen under protection and personal guard, upon the request of another State and in accordance with an international treaty or on the basis of reciprocity.

Canada

34. Further to information found in paragraph 41 of document A/63/260, Canada noted that in order to generate and share evidence it could investigate within its territory. However, it could not conduct any enforcement action (arrest, detention, search or seizure, etc.) or any investigative operations in another State without the State's consent.

35. It also noted that in the case of a prosecution in Canada, there were often practical problems associated with the importation of foreign-source evidence into its legal proceedings. For example, evidence sent by the United Nations would probably have to be supported by viva voce testimony, raising practical questions of travel costs and immunities and privileges (e.g. from perjury offences) when in Canada. While some forms of evidence might be obtained under mutual legal assistance processes and laws, and in some cases video-link evidence might be an option, in general, the costs and logistical obstacles to actually mount a successful prosecution posed as serious a challenge as legal obstacles. In the protection of victims and witnesses, for example, it would be difficult for Canada to protect a witness who appeared locally via video link or through documentary means, and for one who came to Canada to testify, the chances that such a witness might claim refugee status might in some cases reduce the value of the testimony itself.

Guyana

36. Guyana noted that cooperation and exchange of information fell under the ambit of the Mutual Assistance in Criminal Matters Act (Act No. 38 of 2009), while the investigation and prosecution of crimes of a serious nature were covered by numerous pieces of legislation, including the Criminal Law (Offences) Act, chapter 8:01 (for previous comments of Guyana, see A/64/183, paras. 46-48). Any requests for assistance to conduct effective investigations are regulated by the former act; if accepted, they must be expedited in accordance with its provisions.

37. Due process requirements for any person charged or tried for a criminal offence in the courts of Guyana are protected by article 144 of the revised 1980 Constitution of Guyana, which deals with provisions to secure the protection of the law.

38. The prosecution of United Nations officials and experts on mission would be subject to the Convention on the Privileges and Immunities of the United Nations of 1946, the substantive articles of which are incorporated into the laws of Guyana by virtue of the Privileges and Immunities (Diplomatic, consular and international organizations) Act, chapter 18:01.

39. The provision of legal assistance in criminal matters in Guyana is also regulated by the 2009 Mutual Assistance in Criminal Matters Act, which establishes the Minister of Home Affairs as the central authority for receiving and transmitting requests for assistance in such areas as obtaining evidence, locating or identifying persons or things, obtaining things by search and seizure, arranging the attendance of persons, transferring prisoners, serving documents, tracing property, registering or enforcing a forfeiture, pecuniary penalty or restraining order, and obtaining a restraining order.

40. The Act is applicable to requests received from the central authority of a Commonwealth country (designated as such under article 47 (3) of the 1980 Constitution and the revised 2003 Constitution); of a country that is a party to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances; or of any country that has a bilateral or multilateral treaty with Guyana in respect of mutual assistance in criminal matters (e.g. the Inter-American Convention on Mutual Assistance in Criminal Matters).

41. There is no law as such that regulates the receipt of information and material from the United Nations but rather regulates evidence received from the central authorities of countries covered under the 2009 Mutual Assistance in Criminal Matters Act.

42. In addition, the Evidence (Proceedings in foreign tribunals) Act (Act No. 32 of 1991) allows the High Court to assist in obtaining evidence requested for the purposes of proceedings in foreign tribunals.

43. Matters relating to extradition are governed by the Fugitive Offenders Act (Act No. 15 of 1988) and the amendment of 2009, which allow extradition requests from Commonwealth countries and treaty territories, as well as from non-Commonwealth countries which are also non-treaty territories (this is allowed in special cases). An extraditable offence is described as such according to section 5 (1): where the act or omission constituting the offence, however described, constitutes an offence, and is punishable with death or imprisonment for life or for a term of not less than two years under both the laws of Guyana and those of the country making the extradition request.

44. In addition, a person is liable to be extradited from Guyana, in accordance with section 7, if that person is found in Guyana and is accused of an extraditable offence or alleged to be unlawfully at large, after his or her conviction of an extraditable offence in the requesting country.

45. Generally, witness protection is available for eligible persons who may be witnesses or potential witnesses to a crime of a serious nature if it is determined that such persons may become victims of an offence involving a crime of violence. Such witness protection is specifically provided in section 14 of the Combating of Trafficking in Persons Act (Act No. 2 of 2005). The programme may include relocation, new documents establishing identity, new residence, employment work permits and protection of confidentiality of identity and location.

Kuwait

46. Kuwait reiterated the information on cooperation in paragraph 51 of document A/64/183.

Panama

47. Panama is making tremendous efforts to protect the interests of its citizens while according due respect to the rights of non-citizens. It complies with the standards of due process set by its Political Constitution and in international conventions to which it is a party. Its Judicial Code establishes the procedural rules governing extradition.

48. Victims of crime are guaranteed their right to legal recourse under Act No. 31 of 28 May 1998, which also establishes protection for victims. Panama is a party to the Convention against Transnational Organized Crime and, through Act No. 48 of 30 August 2004, and the addition of article 2121-A on the protection of witness identity to the Judicial Code, has incorporated it into domestic law.

Portugal

49. Portugal reiterated its position as reflected in document A/64/183, paragraph 54 (see also A/65/185, para. 75).

Paraguay

50. Paraguay stated that, bearing in mind international law relating to immunities and privileges, the receiving State or the State in whose territory the punishable act was committed, in matters of mutual assistance, should as a first step request the sending State to waive the privileges and immunities of its diplomats in order to initiate a criminal investigation. As a second step, and with a view to cooperation between States for the purpose of investigations, due account should be taken of conventions and/or agreements concluded between the two States concerned or of multilateral agreements providing for the relevant mutual assistance in obtaining the statements or information that States may require.

Qatar

51. Qatar reiterated the information contained in paragraph 76 of document A/65/185.

Slovenia

52. Slovenia reiterated the information contained in paragraphs 80 and 81 of document A/65/185.

Sweden

53. Sweden reiterated the information contained in paragraph 55 of document A/64/183, emphasizing that there were no obstacles to close cooperation of the nature suggested in resolution 65/20 with the relevant authorities in the country where the crimes in question are committed.

Turkmenistan

54. In Turkmenistan, articles 542 to 557 of the Criminal Procedure Code cover procedures for international cooperation, including extradition and legal assistance, which are provided on the basis of international agreements or reciprocal arrangements.

55. At the request of a State making an application, the procedural rules of a foreign State may be applied; its representative may be present, if this is provided for under an international treaty. Witnesses, victims, civil plaintiffs, civil defendants and their representatives and experts who are foreign nationals may, with their consent, also be called to appear in investigations or judicial proceedings in Turkmenistan.

56. Under articles 107 to 109 of the Criminal Procedure Code, the law enforcement agencies are responsible for ensuring the safety of participants in criminal proceedings.

57. If an initial inquiry body, investigator, prosecutor or judge has sufficient information in connection with a criminal case to fear that the victims, suspects, accused persons, defendants, witnesses, experts, specialists or other participants in

the proceedings and their close relatives risk being killed or being subjected to force, violence or cruelty, having property destroyed or damaged, or other acts prohibited by criminal law, the former must take all measures to protect the lives, honour, dignity and property of the latter, ensure their safety, identify the perpetrators and bring such persons to justice.

58. To ensure the safety of participants in court proceedings and their close relatives, the judge or presiding officer may hold a closed session or may issue a ruling or determination to interview a witness in response to a motion by the witness or the prosecution or of their own initiative, without releasing information identifying the witness and through the use of a pseudonym; in a manner excluding the possibility of the witness being identified; and without visual observation by others during the court proceedings.

IV. Bringing credible allegations that reveal that a crime may have been committed by United Nations officials to the attention of States against whose nationals such allegations are made and matters related thereto

59. In paragraphs 9 to 14, 16 and 17 of its resolution 65/20, the General Assembly urged Member States to provide information to the Secretary-General, requested the Secretary-General to provide certain information to the Assembly and requested the United Nations to take certain measures concerning the issue of criminal accountability of officials and experts on mission.

Referrals in relation to officials

60. The request in paragraph 9 of the resolution is similar to those made by the Assembly in paragraph 9 of its resolutions 64/110 (see A/65/185, covering the period from 1 July 2009 to 30 June 2010), 63/119 (see A/64/183, covering the 2008/09 period) and 62/63 (see A/63/260, covering the 2007/08 period).

61. The information provided in the present report relates to the period from 1 July 2010 to 30 June 2011. During the said period, the Office of Legal Affairs referred to States of nationality the cases of six United Nations officials and two experts on mission for investigation and possible prosecution. Of the cases involving United Nations officials, one concerned allegations of sexual abuse of a minor; the second, allegations of a fraudulent wire transfer; the third, allegations of assault and inappropriate use of a firearm; the fourth, allegations of fraud and blackmail; and the fifth and sixth, allegations of fraudulent medical insurance claims. With regard to the cases of the experts on mission, the first case involved allegations of sexual exploitation and abuse of a minor and the second case involved allegations of fuel theft.

Requests for indication of status and assistance that may be provided by the Secretariat

62. The Office of Legal Affairs requested the States to which cases were referred during the reporting period to keep the United Nations informed of any action taken by national authorities in relation to such cases. As at the date of preparation of the present report, two States to which referrals were made had contacted the Office of

Legal Affairs in order to seek certain clarifications on the referred cases. The Office had responded to the States in both instances and remains ready to assist on all referrals made.

63. Details of earlier requests by the Secretariat for information from States of nationality on how they were handling previously referred cases are contained in paragraph 63 of document A/64/183 and paragraphs 85 and 86 of document A/65/185.

Possible use by States exercising jurisdiction of information from United Nations investigations

64. In paragraph 11 of its resolution 65/20, the General Assembly requests the United Nations, when its investigations into allegations suggest that crimes of a serious nature may have been committed by United Nations officials or experts on mission, to consider any appropriate measures that may facilitate the possible use of information and material for purposes of criminal proceedings initiated by States, bearing in mind due process considerations. In the same vein, in paragraph 13 of that resolution, the Assembly urges the United Nations to continue cooperating with States exercising jurisdiction in order to provide them, within the framework of the relevant rules of international law and agreements governing activities of the United Nations, with information and material for purposes of criminal proceedings initiated by States.

65. In this regard, it is important to recall that the legal framework within which the referrals are made by the United Nations and the role of the Secretary-General have been outlined in section IV of document A/63/260.

66. The United Nations cooperates with law enforcement and judicial authorities of relevant Member States in accordance with its rights and obligations under the Convention on the Privileges and Immunities of the United Nations, adopted by the General Assembly on 13 February 1946, as well as other relevant international agreements and applicable legal principles. Accordingly, the Organization will disclose documents and/or information and waive immunity on a case-by-case basis where, in the opinion of the Secretary-General, immunity would impede the course of justice and can be waived without prejudice to the interests of the United Nations. Consequently, information obtained by the United Nations may be provided to the relevant authorities, and documents may be shared, subject to consideration of confidentiality and privileges and immunities. Documents may be redacted where necessary. It should be noted that, since the United Nations does not have any criminal investigative or prosecutorial jurisdiction, the use of any United Nations-provided documents or information, including their admissibility in any legal proceedings, is a matter for determination by the relevant judicial authorities to whom such documents or information have been provided.

Protection of United Nations officials and experts on mission from retaliation

67. In paragraph 12 of its resolution 65/20, the General Assembly encouraged the United Nations, should allegations against United Nations officials or experts on mission be determined by a United Nations administrative investigation to be unfounded, to take appropriate measures, in the interests of the Organization, to restore the credibility and reputation of such officials and experts on mission.

68. Moreover, the General Assembly, in paragraph 14 of the same resolution, emphasized that the United Nations, in accordance with the applicable rules of the Organization, should take no action that would retaliate against or intimidate United Nations officials and experts on mission who report allegations concerning crimes of a serious nature committed by United Nations officials and experts on mission.

69. In this regard, United Nations officials who report misconduct by other United Nations officials or experts on mission are protected against retaliation under the staff regulations, rules and relevant administrative issuances. In particular, the Secretary-General issued bulletin ST/SGB/2005/21, entitled "Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations", with the objective of enhancing protection for individuals who report misconduct or cooperate with duly authorized audits or investigations. In addition, it should be noted that staff members may appeal against any retaliatory measure through the internal justice system.

V. Taking other practical measures to strengthen existing training on United Nations standards of conduct, including through predeployment and in-mission induction training

70. The Department of Peacekeeping Operations and the Department of Field Support continued to pursue efforts within the three-pronged comprehensive strategy to address sexual exploitation and abuse: prevention, enforcement and remedial action. Training and awareness-raising on United Nations standards of conduct remain at the centre of the preventive measures adopted by the various peacekeeping operations and special political missions.

71. Presently, there are 13 conduct and discipline teams covering 19 peacekeeping and special political missions. The Conduct and Discipline Unit at Headquarters and conduct and discipline teams in the field deliver or facilitate training for all categories of personnel.

Training at Headquarters and in peacekeeping missions

72. An induction training programme on conduct and discipline was developed and a regional workshop was held in November 2010 in Entebbe, Uganda, followed by a repeat session for the United Nations Stabilization Mission in Haiti in the Dominican Republic in June 2011. The four-day programme served to inform the members of conduct and discipline teams and conduct and discipline focal points about their roles in implementing the three-pronged strategy, as a means to address conduct and discipline issues among United Nations personnel in peacekeeping and special political missions.

73. A comprehensive survey of the activities of conduct and discipline teams on the preventive measures put in place in the various missions was conducted at the end of 2010. The results of that survey were included in the report of the Secretary-General on special measures for protection from sexual exploitation and sexual abuse (A/65/742).

74. In 16 missions that responded to the survey, training on the prevention of sexual exploitation and abuse was conducted either as part of the induction of new personnel or in a separate, targeted training session. In 5 of those missions, training

on the prevention of sexual exploitation and abuse was provided both as part of induction and in targeted training sessions. In 15 missions, the Conduct and Discipline Team or focal points conducted the training, while in 1 mission, the training was carried out by the military focal points.

75. Conduct and discipline teams reported carrying out communications activities related to the prevention of sexual exploitation and abuse that targeted mission personnel and the larger community. Nine missions conducted external communications activities, examples of which included print and radio material, targeted campaigns, exhibitions, symposiums and information posted on mission websites. Eight missions reported activities which included holding meetings with local government officials, liaising with educational centres and schools and carrying out information sessions with the local population. In all but one mission, intramission communications activities were carried out, for example through e-mail broadcasts, administrative instructions, information circulars and handouts to mission personnel.